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8
9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN MARIANA ISLANDS

11 UNITED STATES OF AMERICA,)

CIVIL CASE NO. 99-0024

12 Plaintiff,)

13 vs.)

**NOTICE TO DEFENDANT-
JUDGMENT DEBTOR ON HOW
TO CLAIM EXEMPTIONS**

14 FRANCISCA S. BARCINAS,)

15 Defendant,)

16
17 COMMUNITY ALTERNATIVES)
KENTUCKY, INC.,)

18 Garnishee.)

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21 **NOTICE TO DEFENDANT-JUDGMENT DEBTOR
ON HOW TO CLAIM EXEMPTIONS FOR THE NMI**

22 The attached pre-judgment or post-judgment process has been issued on request of the
23 United States of America.

24 The law provides that certain property and wages cannot be taken. Such property is said
25 to be exempted. This Notice lists the exemptions under federal law and your territory law.

26 There is no exemption solely because you are having difficulty paying your debts.

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1 If you claim an exemption, you should (i) fill out the claim for exemption form and (ii)
2 deliver or mail the form to the clerk's office of this court and counsel for the United States. You
3 have a right to a hearing within five business days, or as soon as practicable, from the date you
4 file your claim with the court.

5 If the United States of America as creditor is asking that your wages be withheld, the
6 method of computing the amount of wages which are exempt from garnishment by law is
7 indicated on the Claim for Exemption Form which is attached. You do not need to file a claim
8 for exemption to receive this exemption, but if you believe the wrong amount is being withheld,
9 you may file a claim for exemption.

10 On the day of the hearing, you should come to court ready to explain why your property
11 is exempted, and you should bring any documents which may help you prove your case. If you
12 do not come to court at the designated time and prove that your property is exempt, you may lose
13 some of your rights.

14 It may be helpful to you to seek the advice of an attorney in this matter.

15 DATED this 13th day of July, 2007.

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17 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI
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20 By: /s/ Marivic P. David
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BARCINAS_F.gar6a

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	CIVIL CASE NO. 99-0024
)	
Plaintiff,)	
)	
vs.)	
)	CLAIM FOR EXEMPTION FORM
FRANCISCA S. BARCINAS,)	
)	
Defendant,)	
_____)	
COMMUNITY ALTERNATIVES)	
KENTUCKY, INC.,)	
)	
Garnishee.)	
_____)	

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ___ 2. Veterans benefits (38 U.S.C. § 3101).
- ___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6a above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

____ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e).

____ 7. **Bankruptcy Code** (Title 11, U.S.C. §522)generally provides exemptions for:

____ 7a. \$20,200.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

____ 7b. \$3,225.00 in equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

____ 7c. \$1,350.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

____ 7d. \$10,775.00 in personal property. (However, no single item worth more than \$525.00 can be exempt.)

Property Claimed: _____
Fair market Value \$ _____

____ 7e. \$1,075.00 in property, plus up to \$10,125.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

____ 7f. \$2,025.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed: _____
Fair market Value \$ _____

____ 7g. Any unmaturred life insurance contract the debtor owns, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

____ 7h. The aggregate value, up to \$10,775.00, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

- ____ 7l. The debtor's right to receive, or property that is traceable to:

- an award under a crime victim's reparation law;
- a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment under a life insurance contract that the insured the life of an individual of whom the debtor was a dependent on the date of such individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment, not to exceed \$20,200.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
- a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

**MAJOR EXEMPTIONS UNDER THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS LAW**

NOTE: If you select the exemptions available under commonwealth law, the law of the commonwealth where you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant provisions of the Commonwealth of the Marianas Code Title 7, Div. 4 § 4210 allow the following exemptions:

____ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

____ 10. **Personal Property** - All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding and provision for household use sufficient for four months.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

____ 11. **Necessities for Trade or Occupation** - All tools, implements, utensils, two work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his or her usual occupation.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

____ 12. **Land and interest in Land** - All interests in land, but any interest owned solely by a judgment debtor, in his or her own right, may be ordered sold or transferred under order in aid of judgment if the Court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself or herself and those persons directly dependent on the debtor according to recognized local custom and the law of the Commonwealth. No person not of Northern Marianas descent may acquire any interest to such land, by sale, transfer, or otherwise, except as otherwise provided by law.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name